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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA
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15 **ASSOCIATION OF AMERICAN**
16 **RAILROADS and AMERICAN SHORT**
17 **LINE AND REGIONAL RAILROAD**
18 **ASSOCIATION,**

19 Plaintiffs,

20 v.

21 **LIANE M. RANDOLPH, in her official**
22 **capacity as Chair of the California Air**
23 **Resources Board; STEVEN S. CLIFF, in**
24 **his official capacity as Executive**
25 **Officer of the California Air Resources**
26 **Board; and ROB BONTA, in his official**
27 **capacity as Attorney General of the**
28 **State of California,**

Defendants.

Case No. 2:23-cv-1154-DJC-JDP

**DEFENDANTS' NOTICE OF CROSS-
MOTION FOR SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE, MOTION
FOR A STAY OR DISMISSAL UNDER
THE PRIMARY JURISDICTION
DOCTRINE**

Date: April 25, 2024
Time: 1:30 PM
Courtroom: 10 (13th floor)
Judge: The Honorable Daniel J.
Calabretta
Trial Date: Not Set
Action Filed: June 16 2023

TO ALL PARTIES AND ATTORNEYS OF RECORD:

YOU ARE HEREBY GIVEN NOTICE that on April 25, 2024, or as soon thereafter as this matter may be heard, Liane M. Randolph, in her official capacity as Chair of the California Air Resources Board; Steven S. Cliff, in his official capacity as Executive Officer of the California Air Resources Board; and Rob Bonta, in his official capacity as Attorney General of the State of California (collectively, “Defendants”) will and hereby do respectfully cross-move for summary judgment or, in the alternative, move for a stay or dismissal of the remainder of this case under the primary jurisdiction doctrine.

This Cross-Motion for Summary Judgment is brought pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rules 230 and 260. The alternative relief sought—a stay or dismissal—is sought pursuant to Local Rule 230 and the primary jurisdiction doctrine. Defendants’ motion is based on this Notice of Motion, the accompanying Memorandum of Points and Authorities, the concurrently filed Request for Judicial Notice, Declarations of Michael S. Dorsi and Dylan K. Johnson and attached papers, all documents in the Court’s file, and other such written and oral argument as may be presented to the Court. Pursuant to the Court’s standing order, this motion is made following the conference of counsel on March 4, 2024. (See Decl. of Dylan K. Johnson ¶ 9.)

Dated: March 5, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
MYUNG J. PARK
Supervising Deputy Attorney General

/s/ M. Elaine Meckenstock
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